IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37583 of 2007(Y)

OS.751/1990 of PRL.SUB COURT,KOTTAYAM

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PETITIONER:

P.H.PATHUMMA,W/O.ABBARKUTTY
PAZHOUSE,ERATTUPETTA, KOTTAYAM

BY ADV. SRI.M.J.THOMAS

RESPONDENT:

ITTY IYPE CHERIYAN
KOSAMITTATHILAYA PUTHEN PURAYIL,
NATASSERY,VIJAYAPURAM,KOTTAYAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 37583 OF 2007

Dated this the 18th day of December, 2007

J U D G M E N T

This writ petition is preferred against the order of the Sub Judge, Kottayam, whereby the court has ordered attachment of Rs.1,000/- from the petitioner's salary. I had gone through Ext.P3 salary certificate and it shows that petitioner is having a basic pay of Rs.17,500/-. There are deductions and the carry home salary is Rs.2,285/-.

2. Learned counsel for the writ petitioner contends that since the carry home salary is Rs.2,285/- and if Rs.1,000/- is deducted from the same and remaining two third is also deducted, there will be only Rs.428/- to be attached in the case. I cannot agree with the said contention. What is attachable has been decided by this court in **Sasidharan v. K.C.T.S.S. Sangam** [1994 (1) KLT 429]. The court has held that the basic pay alone can be taken into consideration and DA and HRA are to be excluded. The court further held that the PF and LIC recoveries etc., are not liable to be deducted from the calculation. Similarly, the amount of recovery for other purposes are also not to be excluded in calculating the exemption. Therefore the order of the court below to attach the salary of Rs.1,000/- is perfectly in order and it does not call for any interference.

Therefore, the writ petition lacks merit and it is dismissed.

M.N.KRISHNAN, JUDGE

vps